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LAW ENFORCEMENT ORGANIZATION STUDY

U.S. DEPARTMENT OF AGRICULTURE

Forest Service

June 1971

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The enforcement of applicable laws and regulations for protecting natural resources and public improvements has always been part of managing the National Forests and Grasslands. During recent years the protection of people and their property has become a large problem with the huge influx of forest visitors, increased vandalism, unruly groups, and spreading disregard for the rights of others by some people.

This report fully discusses the responsibilities of the Forest Service and State and local law enforcement agencies under our proprietary jurisdiction of the National Forest System. All levels of the Service participated in developing the conclusions. The Regional Foresters and I gave them our personal attention.

As we approach our National Forest responsibilities, we must all insure that we keep our enforcement job in perspective. We must not lose sight of the fact that prevention is our goal rather than apprehension after the fact. Recent legislation has provided us with broader authority to cooperate with and help strengthen the capability of State and local law enforcement organizations to enforce State and local laws on National Forest System lands. We intend to utilize the State and local authorities to the maximum extent we can.

The study team has made several organizational recommendations to strengthen our protection and enforcement efforts. Recommendation No. 12, for a small, well-qualified law enforcement staff in the Washington Office, will initially be implemented, as we can work it out within available ceilings, by establishing a staff function in the Division of Budget and Finance. We will look to this staff for technical direction and coordination of Law Enforcement programs concerned with visitor and resource protection.

I agree in principle with recommendation No. 13 for establishing a branch of law enforcement in each Regional Office. I agree with the study team recommendation that such activity be located in the Division of Fiscal Control. However, there is need for flexibility in time to make any change, depending upon where the unit is now located in the Regional Office.

All Regional Foresters have agreed with the need to have professional law enforcement competence available to each Forest Supervisor. The alternatives provided by recommendations No. 14 and 15, dealing with Forest and District organization, allow each Regional Forester the flexibility he needs to establish positions and provide the competence needed in individual situations.

This report should be a basic working tool to help us clarify authorities and responsibilities, enunciate clear and consistent policies, and carry out a consistent program that is flexible enough to meet the many and varied situations which exist throughout the National Forest System.

We must be sure that appropriate Forest Officers in the field are trained to know what to do under Forest Service jurisdiction, as well as through cooperation and assistance from other Federal, State, and local law enforcement agencies. The Washington Office will provide the leadership on the kinds and amounts of training necessary.

Edward P. Cliff

EDWARD P. CLIFF
Chief

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INTRODUCTION

The National Forests are suffering their share of the growth in crime taking place throughout the country. As shown in reports compiled for this study by representative Ranger Districts in every Region, more and more vandals, gangs of toughs, the careless, and the indifferent are destroying property, harassing Forest visitors, and generally disregarding the laws and regulations provided for insuring the best use of the Forests by the people. In recent letters to newspaper editors and to Forest Supervisors, visitors have written of harrowing experiences, and complaining of inadequate personal protection by "the forest rangers." The extent of the problem varies widely within Regions, even within Forests; however, a look into the future indicates the wisdom of preparing now, Service-wide.

The Forest Service is responding to the new challenges to its control of the National Forests by moving to strengthen its peacekeeping and general law enforcement capabilities. The need for this response was emphasized by discussions and papers presented by three Regional Foresters at the 1969 Regional Foresters and Directors Meeting:

> William D. Hurst - "Our problem with groups of people are going to increase. If we are going to continue to provide areas for use of the public, we must be prepared to handle and control these groups for the protection of the public and both public and private property... ...Vandalism will continue to climb with the crime rate until brought under proper control. Prompt, firm and fair law enforcement on National Forests will curb this problem."
>
> Floyd Iverson - "We are responsible for the public safety and law enforcement on the National Forests....We think that overall we are not doing the job expected of us or that we should expect of ourselves."

T.A. Schlapfer - "All of us agree public safety and our law enforcement program are really one composite job we have in the ever-enlarging field of recreation administration."

In requesting from Regional Foresters the basic law enforcement data needed to identify specific problems and needs, Deputy Chief M. M. Nelson identified the climate within which Forest Service law enforcement is evolving by stating, "We are now at a point in time where positive action must be taken in connection with the law enforcement problem you are experiencing in the field. You have pointedly emphasized the increasing significance of this problem in our recent RF&D meetings and in memoranda."

The category of problems discussed above does not encompass all the existing opportunities for improvement in Forest Service law enforcement. However, it is this current in-Service concern generated by the overt acts of troublemakers that has prompted the Forest Service to take a fresh look at the entire spectrum of its law enforcement job, from on-the-spot confrontations and policing actions to after-the-fact investigations and formal reports.

The Public Land Law Review Commission examined law enforcement in areas other than public safety and vandalism of property. These other areas are the protection of the environment from deliberate acts of Forest users, including protection of resources such as timber, range, wildlife, water, aesthetics and all other related resources.

This report brings together the law enforcement problems being experienced Service-wide. It describes the implications of these problems viewed in the light of Forest Service responsibilities and authorities under the law, and prescribes various changes in patterns of Forest Service organization to insure the firm control necessary for orderly administration of the public lands the Service holds in trust.

SUMMARY OF RECOMMENDATIONS

		Page
1a.	Obtain clear statutory protection for Forest Officers engaged in or on account of the performance of official duties through amendment to Title 18 U.S.C. 1114 to cover "Any officer or employee of the Forest Service."	13
b.	To clarify the statutory protection of those Forest Officers not assigned to "field service," revise the Secretary's designation called for in 18 U.S.C. 1114 to cover all Forest Officers and not just those assigned to "field service."	13
2a.	Develop and retain a small, well-qualified law enforcement staff in the Washington Office for leadership, technical staff direction, and coordination of law enforcement programs concerned with resource and visitor protection. (The major tasks proposed for this staff are described on page 40.)	17
b.	Include law enforcement responsibilities in job descriptions at all levels, where appropriate.	17
3.	Collaborate with the Office of the General Counsel and the Administrative Office of the United States Courts to establish U.S. Magistrates within reasonable working distance of all Forest Service field units. Reasonable distance to be determined on a case-by-case basis.	19
4.	Develop a systematic approach to strengthening capability of State and local law enforcement organizations to enforce State and local laws on National Forest System lands, by such measures as financial assistance, training, and cooperative approaches to handle local Forest visitor impacts.	21

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5.	Establish and apply a clear, uniform, and consistent policy on law enforcement. Eliminate inconsistent and arbitrary "local" enforcement policies.	26
6.	The Forest Service should establish reasonable and workable guidelines for use by Forest Officers in carrying out enforcement policies, laws, and regulations. Through Secretary's Regulations, or other proper means, set forth the violations and circumstances under which administrative discretion, such as warnings, applies and may be used.	26
7.	In specific areas where local law enforcement organizations are not able to provide adequate protection, obtain Secretary's Regulations to allow the Forest Service to enforce minor types of State law violations for protection of National Forest visitors and their property in a manner similar to those State wildlife laws adopted in 36 CFR 261.8.	28
8.	Forest Service management direction should emphasize that enforcement of applicable laws and regulations is part of managing and protecting the National Forests and that the Forest Service will exercise its responsibilities.	30
9.	Provide self-protection training for those Forest Officers who need it to protect themselves in performance of official duties.	34
10.	In conjunction with the Office of the General Counsel and the Department of Justice, develop new guidelines for Forest Officers to handle juvenile violators.	35
11.	Place the Washington Office law enforcement staff in the Administration Deputy area.	39
12.	Establish a Division of Law Enforcement under the Deputy Chief of Administration.	40
	In view of the problems of establishing a new area of responsibility at the WO and the problems of establishing a new Division, we recommend that for the strongest impetus to the law enforcement function, it be initiated as a staff unit to the Deputy Chief for Administration.	

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13.	Establish a Branch of Law Enforcement in each Regional Office in the Division of Fiscal Control.	41
14.	Each Forest Supervisor should have readily available to him, professional law enforcement competence. This competence should be provided by either of the following two ways, or a combination of both, depending on workload: (1) Establish a law enforcement staff position (Investigator Series 1811) to handle law enforcement business across-the-board in consultation with functional staffmen. (2) Establish zones of two or more Forests to be served by a law enforcement staff that provides competence to each Forest Supervisor as needed in the zone.	43
15.	Law enforcement activities under Forest Service jurisdiction should continue to be carried out by the District Ranger and his staff as part of managing and protecting the National Forests. Overall law enforcement responsibilities should continue to be carried out through cooperation and assistance from other Federal, State, and local law enforcement agencies. Those Districts having a large, complex law enforcement workload; e.g., numerous breaches of peace in recreation areas, heavy vandalism, numerous incendiary fires, etc., may be staffed with one or more law enforcement specialists.	44
16.	Provide training to all appropriate personnel to assure their competence in situations encountered in the course of normal functions--both in handling violations of Federal laws and regulations applicable to the National Forests, and in taking proper action on other illegal acts committed on National Forest lands. A recommended outline of such training is shown on page 47.	47

OBJECTIVES, SCOPE, CONDUCT OF STUDY

The increase in today's complex society has had its effect on the management of our National Forests to the extent that our policies and operating procedures are no longer adequate nor are they geared to cope with current-day law enforcement problems. The need for reevaluation of our existing authorizations, policies, and organization is mandatory and urgent in order to carry out our obligations to protect the public and the resource.

Objectives

1. Determine the volume and complexity of trespass and law enforcement in the Forest Service.

2. Define Forest Service law enforcement responsibilities.

3. Recommend actions necessary to meet Forest Service responsibilities.

   (a) Organizational structure to handle the job--from the Chief's Office to the District level.

   (b) Training and tools necessary to handle the job.

   (c) Changes in Forest Service Manuals.

   (d) Changes in managerial philosophy and attitudes.

Scope

The study data concerning volume and complexity of dealing with violations of penal laws and regulations was obtained from a sample of 130 Districts distributed throughout all Regions; from 15 of the 66 Experimental Forest or Range units located on National Forests; from 32 Forest Supervisors' Offices; and from all Regional Offices.

The functional areas from which law enforcement violation data were collected are fire, recreation, timber, wildlife, range, occupancy, and property trespass.

Conduct of the Study

The study team was comprised of: Joseph Couch, Chief, Branch of Prevention and Law Enforcement, Region 8; James H. Evans, Chief, Branch of Investigation, Claims and Trespass, Region 3; George O. Witbeck, Chief, Branch of Trespass and Claims, Region 5; Robert E. Lockhart & Clark Sell, Management Analysts, Washington Office. Russell T. Cloninger and John F. Prokop, Division of Administrative Management, served as organizational consultants.

The steering committee to provide overall policy guidance was comprised of: Chester A. Shields, Director, Division of Administrative Management; Merle S. Lowden, Director, Division of Fire Control; Richard J. Costley, Director, Division of Recreation; Clyde E. Jones, Regional Fiscal Agent, Region 4; Ralph H. Freeman, Forest Supervisor, Allegheny NF, Region 9; and Benjamin F. Robinson, Assistant Inspector General, Office of the Inspector General.

The Team, in its initial meeting, drew up the objectives and an outline for conduct of the study, then met with the attorneys in the Office of General Counsel, apprising them of study plans and objectives and obtaining their concurrence. Data-gathering forms were drafted and tested on Districts in three Regions. After following up with interviews of District personnel most closely connected with law enforcement action, final forms were prepared and approved for use in obtaining data on all facets of Forest Service law enforcement work. To ensure uniformity of results, the team met in Denver with Regional representatives who conducted the data-gathering project throughout the Service. All Regions were represented at the meeting, except Region 10.

Since Districts have not been required to keep records of the information called for on the study forms, much data had to be supplied from the memories of Rangers and other District personnel. For this reason, the period of time covered was confined to calendar year 1969.

APPROACHES TO LAW ENFORCEMENT

For purposes of this report, several responsibilities are recognized in considering law enforcement and public safety.

1. Responsibility to protect the natural resources and physical improvements on the National Forests.

2. Responsibility to protect persons and their property from the harmful acts of others.

3. Responsibility for preserving the peace.

The responsibility to protect the natural resources and physical improvements on the National Forests is basically a responsibility of the Forest Service; although there is some overlap with State and local government jurisdiction. The Federal penal laws, rules, and regulations applicable to the National Forests and National Grasslands were formulated to prevent trespass and otherwise regulate the protection, use, occupancy and administration of these lands.

The other two responsibilities are within the jurisdiction of State and local governments. Applicable state laws generally pertaining to crimes against persons and their property and preserving the peace. These two responsibilities are in the area of public safety. They go beyond the basic Forest Service proprietary responsibility to provide safe and sanitary facilities and conditions to assure the physical safety of National Forest users.

Authorities and responsibilities for law enforcement and public safety are elaborated upon in the section of this report "Authority and Responsibility."

Alternative Approaches to Law Enforcement and Public Safety

The basic Forest approaches to law enforcement and public safety are prevention, education, and persuasion. Prevention takes many forms, such as the design of facilities, conditions of contracts and permits, the mere presence of a uniformed officer, and the application of behavioral science to the management of people who use the Forests. From education and persuasion the user gains an understanding of the need for restrictions on his actions and becomes better able to conduct himself in a manner that protects both the environment and the rights of others.

There are several ways the Forest Service can approach the total law enforcement job. Several alternatives are given below. Elaboration and discussion of the various aspects of the several alternatives is brought out in later sections of this report.

1. Make no changes - continue as we are at present.

2. Rely completely on the States and local governments to handle all aspects of law enforcement and public safety.

3. Seek authority to establish a Forest Service police force to deal with all aspects of law enforcement and public safety under exclusive or concurrent jurisdiction.

4. Establish a Forest Service police force to handle the Federal law and regulation aspects of the job.

5. Strengthen the capabilities of both the Forest Service and State and local governments so that each is able and willing to redeem its proper share of the responsibilities in a cooperative effort.

The study team has fully considered these alternatives, and the most feasible approach for the Forest Service is a cooperative effort with State and local governments. The rest of this report supports this course of action.

The purpose of Forest Service law enforcement can be defined as (1) The prevention of damage by people to natural resources, physical improvements, and the environment; and (2) To provide for the protection and safety of Forest visitors and their property through cooperation with State and local governments.

Throughout this report, enforcement of laws and regulations is considered as part of the management job of the National Forests and Grasslands. It can be accomplished through leadership and training to assure the competence of Forest Service personnel in situations encountered in the course of normal functions - both in handling violations of Federal laws and regulations applicable to National Forests, and in cooperating with other agencies in taking proper action on other illegal acts committed on National Forest lands.

AUTHORITY AND RESPONSIBILITY

Forest Officers, by virtue of their appointments, have authority to enforce Federal laws and regulations pertaining to the National Forests, National Grasslands, and other lands under Forest Service control. Statutory authority for law enforcement activities by the Forest Service is derived from the Act of March 3, 1905, Title 16 U.S.C. 559:

> All persons employed in the Forest Service of the United States shall have authority to make arrest for the violation of laws and regulations relating to the national forests and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the forest or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

The Organic Act (16 U.S.C. 551) authorizes the Secretary of Agriculture to make rules and regulations needed to regulate the occupancy and use and to preserve the National Forests. Violations of penal regulations issued under this Act are punishable as criminal offenses by a fine of not more than $500 or imprisonment for not more than six months, or both. These penal rules and regulations are set forth in Title 36, Code of Federal Regulations. They were adopted for the National Grasslands and other lands administered by the Forest Service under Title III of the Bankhead-Jones Farm Tenant Act insofar as is practical and consistent (36 CFR 213.3).

The United States holds proprietary jurisdiction on virtually the entire National Forest system. The authority and responsibility of State and local government is in no way diminished. Both the Organic Act and the Weeks Law provide that "the jurisdiction, both civil and criminal, over persons within National Forests shall not be affected or changed by reason

of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State." (16 U.S.C. 480)

Under this proprietorial jurisdiction, the Forest Service can enforce Federal laws and Secretary of Agriculture Regulations, which mostly pertain to regulation of use with emphasis upon resource protection. The States have legal authority and responsibility to enforce State laws, which generally pertain to crimes against persons and preserving the peace.

Forest Officers have no authority by virtue of their appointment, to enforce State laws and local ordinances. However, as any other citizen, Forest Officers may make citizens' arrests and prosecute cases under State laws. Except in extreme circumstances, cases involving State laws are handled and prosecuted by local officials independently or upon sworn complaints brought by Forest Officers.

When desirable for the protection and control of certain areas, special authority to enforce State fire and fish and game laws can be obtained from State and county officials through cooperative appointment procedures. When Forest Officers are authorized to enforce such State laws, they are acting on behalf of the State and not the United States. Title 16 U.S.C. 553 authorizes officials of the Forest Service designated by the Secretary of Agriculture to aid in the enforcement of the laws of the State with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to National Forests, to aid the other Federal bureaus and departments on request from them, in the performance of the duties imposed on them by law.

Responsibility of Forest Officers for law enforcement is adequately stated in section 5304 of the Forest Service Manual:

Every Forest Officer has a responsibility to be observant for violations of laws and regulations affecting land administered by the Forest Service, to take necessary and appropriate action within his authority, and to report violations to his superior.

District Rangers have the responsibility for preventing and detecting trespass and prosecuting trespassers. Forest Supervisors and Regional Foresters must exercise strong leadership to develop and maintain a purposeful attitude toward these activities among all Forest Officers.

Problem Statement: Clear statutory protection is lacking for all Forest Officers while engaged in law enforcement activities as well as other official duties.

Title 18 U.S.C. 111 provides for the punishment for "whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties...."

Section 1114 lists, along with other officers and employees, "Any officer or employee of the Department of Agriculture... designated by the Secretary of Agriculture...to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals...."

To bring Forest Officers assigned to field service under the protection of Title 18 U.S.C. 1114, the Secretary published in the Federal Register, August 22, 1940, a notice designating all Forest Officers assigned to field service to enforce laws and regulations relating to protection, preservation and restoration of game and other wild birds or animals.

Since the Secretary designated for protection only "Forest Officers assigned to field service," other Officers, such as those in the Washington Office, may not be within the purview of section 1114. Statutory protection would be clarified if all Forest Officers and employees were designated by the Secretary and not just those assigned to field service.

There has not been a definite statutory provision that Forest Officers so designated do not have to be engaged in those specific duties stated in section 1114 (enforcement of laws and regulations relating to protection, preservation and restoration of game and other wild birds or animals) for the protection of the law to apply. However, in the famous "Echo Amphitheater Campground" case, United States of America v. Reies Tijerina et al, it was held that Forest Officers were within the purview of section 1114.

The protection status of Forest Officers while engaged in all official duties would be clarified if Title 18 U.S.C. 1114 was amended to include any officer or employee of the Forest Service.

RECOMMENDATION NO. 1:

a. OBTAIN CLEAR STATUTORY PROTECTION FOR FOREST OFFICERS ENGAGED IN OR ON ACCOUNT OF THE PERFORMANCE OF OFFICIAL DUTIES THROUGH AMENDMENT OF TITLE 18 U.S.C. 1114 TO COVER "ANY OFFICER OR EMPLOYEE OF THE FOREST SERVICE."

b. TO CLARIFY THE STATUTORY PROTECTION OF THOSE FOREST OFFICERS NOT ASSIGNED TO "FIELD SERVICE," REVISE THE SECRETARY'S DESIGNATION CALLED FOR IN 18 U.S.C. 1114 TO COVER ALL FOREST OFFICERS AND NOT JUST THOSE ASSIGNED TO "FIELD SERVICE."

PRESENT ORGANIZATION AND PRACTICE OF LAW ENFORCEMENT IN THE FOREST SERVICE

Original Concepts

From the early days of the Forest Service, law enforcement has been a major function of the District Ranger. The 1906 Use Book, a fore-runner of the present Forest Service Manual, included in its brief discussion on Forest Rangers that their duties were to include "patrol to prevent fires and trespass," and that they were to "investigate claims, and arrest for violations of reserve laws." The prevention, elimination, and prosecution of trespass has always been a task of protection and management of the National Forests.

Evolution

As the Forest Service mission evolved from custodianship into scientific land management, the organization gradually staffed itself with specialists in many disciplines, continually reorganizing at the Forest, Region, and National Headquarters to provide the program leadership and technical services needed to administer new or expanded areas of work. Since the trend in emphasis was away from custodianship, very little of the staffing and organizational buildup involved law enforcement.

Most Law Enforcement Done by Ranger District Personnel

Over the years, experienced enforcement officers have occasionally been employed by Forests and Districts for police-type work on special problems, principally incendiary forest fires. The main law enforcement body of the Service, however, continues to be, as it has always been, the District Rangers and District personnel, spread over (at present) some 770 Districts in the National Forest System. These men:

1. make initial investigations which include the discovery and preservation of evidence and the interviewing of witnesses in the vicinity of the trespass or violation.

2. take direct action on offenses occurring in their presence by issuing citations or making arrests, thus requiring violators to appear before a U.S. Commissioner for hearing or trial.

3. request professional law enforcement assistance from within the Service, or from sheriffs, State patrols, or other cooperating agencies, when such help is needed and is available.

Forest Service Investigators

Within the past two decades, several Regions have employed investigators at the Forest level and have set up law enforcement branches or sections in the Regional Office. In staffing the branches, only limited use has been made of trained law enforcement people. Law enforcement organizational patterns within Regions vary according to local administrative practice. Thus, the law enforcement branch in one Regional Office is organized to handle all law enforcement or trespass business done at the Regional level, while that in another Region handles only fire trespass, serving other functions purely in an advisory or training capacity. With the latter type setup, timber, range, and other functional trespass matters are considered solely the business of the concerned functional Divisions. The investigators hired at the Forest level work under one member of the Supervisor's staff. Some Regions have zone organizations with investigators supervised by the Regional Office law enforcement unit. Training of key personnel has become a job of the investigator. His work has involved training, coordination, and investigative duties; a change from actual enforcement.

Washington Office

At National Headquarters, most "general" law enforcement matters, e.g., preparation of FSM 5300, have been handled by Fire Control, historically the Division most heavily involved in trespass work. Although the Branch of Organization and Programs in Administrative Management has been assigned the trespass coordination responsibility, no formal centralization of law enforcement has taken place at this level. In line with the Forest Service practice of identifying each item of law enforcement business with one specific function or another, the leadership provided by the Chief's Office has been divided among the Divisions. Similarly, incoming business--such as trespass cases or requests for guidance from the field--are routed to one Division or another. This

LAW ENFORCEMENT ORGANIZATION BY REGIONS, JUNE 1970

Region	Professional Investigators	R.O. Level	Forest Level (Handled by DR personnel with indicated assistance)
1	1 (RO Branch Chief)	Law Enforcement Branch in Division of Fiscal Control. Works in multi-functional trespass and claims in consultation with functional Divisions.	-
2	1 (RO Branch Chief)	Law Enforcement Branch in Division of Fire Control and Air Operations. Multifunctional trespass in consultation with functional Divisions.	-
3	1 (RO Branch Chief) 2 Zone 2 (S.O.)	Same as R-1, except does not handle claims.	2 of the Region's 12 Forests have investigator sub-staff position.
4	1 (RO Branch Chief) 1 (RO Investi-gator)	Same as R-1.	-
5	1 (RO) 2 (Zone)	Branch of Law Enforcement and Claims, Fiscal Control. Multifunctional trespass and claims.	-
6	2 (RO Investi-gator)	Section of Law Enforcement, in Fire Control. Handles Fire trespass. Assists other Divisions upon request.	-
8	1 (RO Branch Chief) 1 (RO Investi-gator) 11 (S.O.)	Branch of Law Enforcement and Fire Prevention in Division of Fire Control. Fire trespass; assists other Divisions upon request. Handles all non-functional trespass business.	11 of the Region's 14 Forests have investigators in sub-staff positions.
9	1 (Zone)	No Law Enforcement unit; Division of Fiscal Control serves as clearing house for all trespass, taking business to program Divisions.	-
10	None	No Law Enforcement unit. Functional Divisions handle their own work.	-

principle operates also in the area of law enforcement liaison with other agencies. In contrast to the experience and the feeling of need on the part of the various Regions which resulted in the creation of Regional and Forest law enforcement organizations, the National Headquarters has not previously felt a need for a comparable unit, or for the services of professional law enforcement personnel at the Washington level.

RECOMMENDATION NO. 2

a. DEVELOP AND RETAIN A SMALL, WELL-QUALIFIED LAW ENFORCEMENT STAFF IN THE WASHINGTON OFFICE FOR LEADERSHIP, TECHNICAL STAFF DIRECTION, AND COORDINATION OF LAW ENFORCEMENT PROGRAMS CONCERNED WITH RESOURCE AND VISITOR PROTECTION. (THE MAJOR TASKS PROPOSED FOR THIS STAFF ARE DESCRIBED ON PAGE 40.)

b. INCLUDE LAW ENFORCEMENT RESPONSIBILITIES IN JOB DESCRIPTIONS AT ALL LEVELS, WHERE APPROPRIATE.

Use of U.S. Commissioners and Magistrates

Passage of Public Law 88-537 extended to the National Forests the petty offense trial jurisdiction of U.S. Commissioners. Although given this long-desired tool, many units have made little use of it, feeling that enforcement action by Forest Officers would injure the Forest Service image.

Although Forest Officers have the authority to arrest violators and take them immediately before U.S. Commissioners, it is very rarely necessary to do so. Usually the Forest Officer issues a notice of violation to the offender, requiring him to appear before the U.S. Commissioner on a pre-arranged day and time. In some areas the Forest Officer issues the notice of violation to the violator and forwards this information to the U.S. Commissioner, who later causes the violator to be informed when to appear for hearing. In some areas, the distance to Commissioners is great and appearances at the hearing is often time-consuming for both the Forest Officer and the violator.

The system of U.S. Commissioners is currently being replaced by a system of U.S. Magistrates appointed by the U.S. District Courts. In addition to expanded duties for Magistrates, many improvements over the Commissioner system will be effected. The Federal Magistrates Act (Public Law 90-578) states in part that full-time or part-time U.S. Magistrates should be established "in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest."

The United States District Courts are implementing a system whereby the Courts can process and dispose of petty Federal offenses by mail. Under this plan, U.S. Magistrates and District Courts will, by local court rule, pre-set fines for the bulk of petty Federal violations and permit persons charged with such violations simply to pay their fines by mail in pre-addressed envelopes furnished to them with the violation notice.

The Administrative Office of the United States Courts will coordinate and exchange information about locally prepared court issuances. The Washington Office of the Forest Service and the Office of the General Counsel need to work with the Administrative Office on a Service-wide basis. It is possible that a standard set of fines can be established for use on all Forest Service cases. This could be expanded to cover all similar offenses regardless of the Federal land agency concerned.

Problem Statement: The effective use of U.S. Commissioners has been hampered in some areas by the distance and availability of Ranger Districts.

Based on the sample Districts, 17% of U.S. Commissioners are within 25 miles, 44% within 50 miles and 74% within 100 miles; 9% are over 150 miles. Three Districts in Region 9 reported that no Commissioners are designated for them. Distances to Commissioners varies by areas of the country shown below:

	Within 50 Miles	Within 100 Miles
Western Regions 1 - 6	39%	67% 1/
Eastern Regions 8 & 9	54% 2/	100%

1/ Highest 95% in Region 5, lowest 33% in Region 3.
2/ Region 8 has 73% within 50 miles.

RECOMMENDATION NO. 3:

COLLABORATE WITH THE OFFICE OF THE GENERAL COUNSEL AND THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS TO ESTABLISH U.S. MAGISTRATES WITHIN REASONABLE WORKING DISTANCE OF ALL FOREST SERVICE FIELD UNITS. REASONABLE DISTANCE TO BE DETERMINED ON A CASE-BY-CASE BASIS.

State and Local Cooperation

The total job of law enforcement on the National Forests and Grasslands is a cooperative effort between the Forest Service, other Federal agencies, and State and local law enforcement agencies. The Forest Service is responsible for protecting the National Forests; the States have legal responsibility to enforce State laws. The Forest Service has always looked to local and State law enforcement agencies to enforce State laws on National Forest land. The cooperation of Sheriff's departments, State police, and others has proven invaluable, particularly in situations where these officers are needed to build the manpower superiority basic to handling gang-type confrontations.

The Forest Service has encouraged its officers to use State Courts, where possible, for expeditious handling of those less serious Federal offenses which are also violations of State law. It has also encouraged them to obtain the cooperation of State and local officers, particularly for police-type actions in keeping the peace. This is not a matter of the States doing Forest Service work. They have a legal responsibility to enforce State law.

The often heard statement that "Law enforcement is essentially a local problem" is often misapplied. The State Courts have no jurisdiction in the enforcement of Federal laws and regulations; therefore, many disruptive acts which are prohibited by specific Federal enactments would not be punishable via

State action. Further, attempting to remedy this by enacting State laws covering the same offenses would be unrealistic, as shown by the lack of success in national efforts expended trying to get uniform traffic legislation in the various States.

Problem Statement: Limited capabilities of State and local law enforcement agencies in some areas have created serious gaps in meeting the total law enforcement responsibilities on the National Forests.

The effectiveness of State and local cooperation in the enforcement of State laws has varied widely between National Forest units depending upon such factors as how well the local agency is financed (manpower, vehicles, radios, etc), numbers of violations, volume of visitor use, remoteness of units, attitudes of the Federal and State officials involved. The Rangers on the sample Districts were asked to rate the State and local law enforcement agencies available to them as adequate or inadequate. The judgments were based on the factors mentioned above and on the response to requests made by the Ranger for enforcement of State or local laws. The percentage of units judged adequate are shown below:

	Percent of Units Adequate
Sheriff or County Police	65%
State Police	80%
County Attorney	70%
State Forestry Departments	86%
State Fish & Game Departments	92%
Other State Agencies	72%

The effectiveness of sheriffs is also related to distances involved. Based on the sample Districts, approximately 75% of sheriffs are available within 50 miles. However, in Regions 5 and 8, better than half of the sheriffs are within 25 miles. In Regions 8 and 9, all sheriffs are within 75 miles. Still, in some Regions sheriffs are quite distant: Service-wide, 7% are 100 miles or more; and Region 4, 17% are over 100 miles and in Regions 2, 3, and 6, 10% are over 100 miles or more. The complexity of local law enforcement cooperation is compounded by the number of sheriff jurisdictions involved. In the sample, 38% of the Districts have 3 or more sheriffs involved; from a high of 71% in Region 8 to a low of 12% in Region 5.

It is clear that the capabilities of local law enforcement organizations must be strengthened in many National Forest areas if they are to be relied upon to uphold their responsibilities for preserving the peace. Some county sheriff organizations are overwhelmed by the huge influx of Forest visitors, let alone their responsibilities "in town." One way to handle the financial factor is through legislation allowing reimbursements to the counties or States for expenditures in connection with enforcement of State laws on National Forest System lands. Such a program would require evaluation, county by county, to determine which local units need and merit assistance because of visitor impacts and associated problems connected with the presence of the National Forest.

Implementation of such a program could mean that special sheriff officers would be assigned to assist the Forest Service in handling law enforcement problems, or that the sheriff's staff would be "on call" to render assistance. There would need to be working agreements drawn up to delineate authorities and responsibilities of both the local unit and the Forest Service. Two-way radio communications compatible with both parties would be a must in some areas. Joint training sessions could be held in both general law enforcement procedures and techniques of handling Forest visitor problems.

The Forest Service must also strengthen its own capability to effectively handle its law enforcement responsibilities. Increasing the capability of State and local law enforcement organizations will not relieve the Forest Service of its responsibilities. In fact, the effectiveness of the local units would soon be lost if the Forest Service weakened itself by attempting to farm out the unpleasant parts of its job. The Forest Service must maintain its position in the circle of excellent cooperation which joins all law enforcement agencies.

The existing gap in applying State laws pertaining to crimes against persons is discussed further in the section "The Visitor Protection Gap."

RECOMMENDATION NO. 4:

DEVELOP A SYSTEMATIC APPROACH TO STRENGTHENING THE CAPABILITY OF STATE AND LOCAL LAW ENFORCEMENT ORGANIZATIONS TO ENFORCE STATE AND LOCAL LAWS ON NATIONAL FOREST SYSTEM LANDS, BY SUCH MEASURES AS FINANCIAL ASSISTANCE, TRAINING, AND COOPERATIVE APPROACHES TO HANDLE LOCAL FOREST VISITOR IMPACTS.

PRESENT POLICIES

Many Forest Officers do not understand, or accept, Forest Service law enforcement policy. The study team has found that there are apparent contradictions and misinterpretations of manuals, functional policies, and actual practices. As spelled out in FSM 5300, a strong law enforcement policy seems clear:

> 5303-2 Aggressive action will be taken to discover, investigate, and report on all trespasses involving lands administered by the Forest Service. Investigation will be continued until identity and responsibility of the trespasser is clearly established, or until every reasonable means of fixing responsibility has been exhausted.
>
> 5303-3 The trespasser will be brought to account, through proper legal procedures: (1) by a claim for compensation for damages; and (2) by appropriate criminal action, if he violates laws or regulations affecting the National Forests, National Grasslands, or other lands under Forest Service control.
>
> 5303-4 Investigating and prosecuting of trespass will have priority second only to preventing further trespass. Both will be effected simultaneously whenever possible.
>
> 5354.1 Forest officers may not prejudge law violations. Impartial, consistent law enforcement will be the general rule. This will be a strong deterrent to violations, and will build respect for the Forest Service.
>
> 5354.2 ...the Forest Service will initiate action leading to court prosecution when evidence is sufficient to support a charge of violation of applicable Federal or State laws or regulations . . . . Criminal action, in which guilt must be proved 'beyond a reasonable doubt' should precede civil action, in which it is necessary to prove liability only 'by the preponderance of evidence.'

The firm tone of FSM 5354.1 and .2, above, is tempered by the paragraph preceding these sections in FSM 5354:

> Forest Service action subsequent to suspected commissions of a crime involving violation of penal law or regulation governing administration of the National Forests, National Grasslands, or other Forest Service administered lands is determined by the nature of the offense, and the facts obtained.

The statements on law enforcement iterated above from the Forest Service Manual seem clear enough. However, execution of these policies takes various forms in actual practice. In practice, the Forest Service lacks a uniform, consistent policy on enforcement of laws and regulations that govern the use of the National Forests.

> Problem Statement: "We have a problem of inconsistent policies and methods of handling different types of trespass. For example, we follow the hard line with fire, the middle course with timber, and a comparatively soft line with grazing. It is difficult for our people to understand why our degree of enforcement is different for each National Forest use. It is more difficult for the general public to understand."
>
> -William D. Hurst, Regional Forester
> RF&D Meeting 1969

Some functional policies, both written and unwritten, create certain conflicts with the above FSM statements. For example, FSM 5332.5 - "Unintentional and Willful Timber Trespass" puts Forest Officers in the position of determining guilt or innocence - a judicial function. Written and unwritten functional policies have contributed to a lack of consistency in meeting our responsibilities in functional trespass areas.

> Problem Statement: "A Service-wide coordinated law enforcement program does not exist. Enforcement efforts are as varied as the number of functions, Regions, Forests, and Ranger Districts. A standard, consistent, coordinated policy is needed."
>
> -William D. Hurst, Regional Forester
> RF&D Meeting 1969

Throughout the Service there is a tendency to establish local policies, resulting in many different approaches and different degrees of enforcement between various units. For example, one OIG inspection showed that on two adjoining Ranger Districts with approximately the same use, one District wrote 165 notices of violation while the second District wrote none. This has naturally lead to public confusion and criticism of the Service not only by the public, but by the Department of Justice and the courts. In one Federal Judicial District, the U.S. Attorney states he will not prosecute Forest Service cases until the Service establishes a uniform policy on the various units within his Judicial District. All of this tends to create disrespect for the Forest Service.

The quality of the enforcement job varies widely. The kinds of problems encountered differ widely among units, as do the attitudes and abilities of District and other personnel. The Service has not maintained the uniformity and tightness of control over law enforcement actions that it has over its other work. For example, some units make considerable use of the statutory law enforcement vested in Forest Service officers, others work under a localized policy which has them depending almost entirely on out-service agencies. Another facet of this question is in the area of public support. Persons occupying National Forest land, for good or ill, are entitled to consistent treatment throughout the National Forest System, whether in protection or restraint. Consistency is best achieved through the administration of law enforcement uniformly, Service-wide.

> Problem Statement: Conflicting instructions, plus the lack of administrative will to utilize our legal authorities to meet our responsibilities by enforcing the laws and regulations, have contributed to the widespread use of "administrative discretion," at all levels, in deciding whether or not to initiate legal action.

This exercise of a judicial function is contrary to our basic concept of government that we are a "government of laws, not of men." Even the Office of General Counsel has no such authority.

The Manual of Policy and Procedures of the Office of the General Counsel, section 104, states:

> This office will refer to the Department of Justice all cases in which there is substantial evidence of a criminal act but not cases in which there is a mere suspicion or Conjecture of a Criminal offense or in which the available evidence does not have sufficient probative strength to support a reasonable belief that a crime has been committed by a known person.

The study team believes that basic Forest Service policy as stated in FSM 5303 and 5354.1 and .2 is adequate. Any functional or local policies not consistent with these policies should be revised to be in agreement. Forest Service objectives can be met only if there is a consistent policy, uniformly applied.

There is no doubt that "administrative discretion" must be available to line managers. Proper use of such "discretion" is part and parcel of good management. It should not, however, be the alternative to impartial, consistent law enforcement. However, we find no apparent legal basis at present for such "discretion" as concerns penal laws and regulations. The Forest Service should establish reasonable, workable guidelines for use by Forest Officers on the ground as well as at higher levels in the organization. It is uncertain at this time whether this can best be accomplished by Forest Service Manual guidance or by prescribing in Secretary's Regulations those violations and circumstances under which administrative discretion applies and may be used.

An example of such guidelines appears in the report, "Crime Control in California State Parks." According to the report, the "Law Enforcement Manual" of the Department of Parks and Recreation prescribes, in part, as follows:

> Except in cases that are clearly malicious, willful, or deliberate acts, violations of regulations by visitors may be initially assumed to have occurred because of inadvertance, lack of understanding or misinformation. Initial action should, to the fullest extent possible, be handled through warnings applied in a firm but tactful, friendly but dignified manner without

undue officiousness. The regulation that has been violated should be clearly identified to the visitor. He should be given an explanation of the purpose it serves so that he understands the necessity for enforcement. Enforcement action should have as its objective, corrective action and voluntary compliance obtained through such understanding and an appreciation of the need for compliance. The visitor should leave with a better understanding of park conservation policies and practices.

When a visitor or other individual persists in violating a Park Regulation after having been warned or when found deliberately, maliciously or criminally violating the law, or when he has placed the safety . . . of others in jeopardy . . . enforcement action must be taken commensurate with the violation.

RECOMMENDATION NO. 5:

ESTABLISH AND APPLY A CLEAR, UNIFORM, AND CONSISTENT FOREST SERVICE POLICY ON LAW ENFORCEMENT. ELIMINATE INCONSISTENT AND ARBITRARY "LOCAL" ENFORCEMENT POLICIES.

RECOMMENDATION NO. 6:

THE FOREST SERVICE SHOULD ESTABLISH REASONABLE AND WORKABLE GUIDELINES FOR USE BY FOREST OFFICERS IN CARRYING OUT ENFORCEMENT POLICIES, LAWS, AND REGULATIONS. THROUGH SECRETARY'S REGULATIONS, OR OTHER PROPER MEANS, SET FORTH THE VIOLATIONS AND CIRCUMSTANCES UNDER WHICH ADMINISTRATIVE DISCRETION, SUCH AS WARNINGS, APPLIES AND MAY BE USED.

THE VISITOR PROTECTION GAP

Many visitors seeking a pleasant Forest experience have been assaulted, had property stolen or have been otherwise molested. Most forest users believe that they have the right to protection from crime as well as physical hazard. The user generally feels that this is the responsibility of the Forest Service, since we manage the National Forests, establish the rules of conduct, collect entrance fees, protect and maintain the resources, etc. Visitor protection was discussed at the 1969 RF&D meeting by Regional Foresters Schlapfer, Hurst and Iverson, respectively:

> All of us agree public safety and our law enforcement program are really one composite job we have in the ever-enlarging field of recreation administration.
>
> The public expects and is entitled to protection of their person and property when visiting National Forest facilities.
>
> The Forest Service is fully responsible for the safety and security of visitors.

In the FY 1972 plan of work, the Division of Recreation has established an objective to "intensify management to assure National Forest visitors adequate protection from hoodlum-type activities, especially in areas where major problems exist or violations are recurring." This is a good indication of the importance the Forest Service is placing on visitor protection.

Crimes against persons and their property fall under State law. Forest Service authorities do not extend to enforcement of such laws. Under our Secretary Regulations, we can take action to prevent a visitor from annoying his neighbor by playing his radio too loud, but no Regulation applies if he harms his neighbor physically or steals his property.

We have always looked to State law and local law enforcement officers to handle such violations. This is their responsibility. However, these officials are not always readily available and in some areas they do not have the capability to meet all their responsibilities.

Frequently, the only man available to maintain peace and order, or to initiate enforcement action, is the Forest Officer. To the Forest visitor, a Forest Officer is the symbol of authority by virtue of his uniform and badge. Thus, he is expected to enforce the regulations and maintain order. He is handicapped by the lack of authority to handle State law violations.

Providing visitor protection is difficult in areas where local law enforcement organizations are not readily available or capable of providing adequate protection. One solution to bridging this gap is the possibility of extending Secretary Regulations to cover certain minor types of State law violations for protection of visitors and their property. Such coverage would be similar to State wildlife laws adopted by 36 CFR 261.8 several years ago.

The advantage of such action would be to give the Forest Officer a tool and authority to maintain order in the absence of a State or local law officer. In many cases, this initial action would serve as an interim measure until the case could be turned over to a State or local officer.

Another alternative, in the absence of an adequate local law enforcement organization, is to permit deputizing of Forest Officers to enforce State laws. In addition to the lack of statutory authority for deputizing Federal Officials, the many ramifications of such a step make it undesirable from the Forest Service point of view.

RECOMMENDATION NO. 7:

IN SPECIFIC AREAS WHERE LOCAL LAW ENFORCEMENT ORGANIZATIONS ARE NOT ABLE TO PROVIDE ADEQUATE PROTECTION, OBTAIN SECRETARY'S REGULATIONS TO ALLOW THE FOREST SERVICE TO ENFORCE MINOR TYPES OF STATE LAW VIOLATIONS FOR PROTECTION OF NATIONAL FOREST VISITORS AND THEIR PROPERTY IN A MANNER SIMILAR TO THOSE STATE WILDLIFE LAWS ADOPTED IN 36 CFR 261.8.

ATTITUDES OF THE FOREST OFFICER

The Forest Officer today is confronted with defiance of his authority, violations of the laws and regulations he is charged to enforce, and threats to his personal feelings of integrity and self-respect. In addition to his many tasks in National Forest management, he finds himself increasingly confronted with problems that relate to human conduct; problems concerned with the direction and control of people; situations caused by lack of conformance to normal patterns of social conduct, antisocial or criminal behavior.

This is relatively new to the Forest Service. Only in recent years have these unique confrontations come to the forefront. The complex makeup of society under today's relaxed standards has drastically altered the functions and attitudes of our field personnel. The Forest Service administrative structure has not changed rapidly enough, and not at all in some areas of enforcement, to meet the challenges thrown by those persons who illegally attempt to convert the use of the Forest recreation resource to their own perverted pleasure or by those persons who legitimately maintain their right of enjoyment of the Forest recreation resource and expect protection in this use.

Many employees on the operating level are confused, frightened, and angry at administrative policy. In awareness, these employees are the first to feel the futility of administrative decisions that advocate the time honored philosophy of "leave it alone and it will go away." Recreation use of the National Forests totalled 162,838,100 visitor days in 1969. To effectively control such heavy use, it was mandatory that we develop and publicize regulations governing the use of National Forest recreation sites and areas. Some Forest Officers feel that if these regulations are posted for public information, they must also be enforced. Some officers respond to the emphasis placed upon them for confronting people and making them responsible for their actions and in making the regulations meaningful. Others overlook the same situation from a non-involvement standpoint.

The fee collection aspects of the Land and Water Conservation Fund Act created additional enforcement problems far in excess of all expectations. Some units enforce the provisions of the Act rigidly, others not. Many Forest Officers state, "we are not a law enforcement agency, it is the responsibility of local, State or other Federal agencies to enforce the law."

Many Forest Officers do not believe or comprehend the complexity and volume of crime or disorder on the National Forests. Vandalism damage in excess of $2 million occurred in recreation areas alone in 1969. Dr. John C. Hendee, coauthor of the study, "Depreciative Behavior in Forest Campgrounds," states that his studies show that less than 10 percent of violations in campgrounds are observed by officers. Many Forest Officers feel that we would suffer from a police image if we enforce the laws and regulations. Some officials express concern that Forest Officers would conduct themselves in an officious and overbearing manner and reflect discredit upon the Service.

Those few units which have taken hold of enforcement, through training their men and putting them in action, have demonstrated that measuring up to enforcement responsibilities enhances, rather than hurts, management effectiveness. There need be no apology for realistically meeting the problems of crime and disorder that some of the people have brought to the National Forests. We are rarely criticized for maintaining law and order on the National Forests. We are often criticized for lack of it.

RECOMMENDATION NO. 8:

FOREST SERVICE MANAGEMENT DIRECTION SHOULD EMPHASIZE THAT ENFORCEMENT OF APPLICABLE LAWS AND REGULATIONS IS PART OF MANAGING AND PROTECTING THE NATIONAL FORESTS AND THAT THE FOREST SERVICE WILL EXERCISE ITS RESPONSIBILITIES.

ESTIMATED NUMBER OF VIOLATIONS OF LAWS AND REGULATIONS

Study data concerning volume and complexity of dealing with violations of penal laws and regulations was obtained from a sample of 130 Districts distributed throughout all Regions; from 15 of the 66 Experimental Forest or Range units located on National Forests; from 32 Forest Supervisors' Offices; and from all Regional Offices. The sampling design and distribution by Regions is shown in Appendix B.

The sample Districts were asked to report on all violations that occurred in C.Y. 1969. Since Districts are not required to keep records for much of the information called for, some of the information had to be supplied from memories of Rangers and other District personnel.

A violation was defined as an incident involving infraction of law or regulation, including any in connection with contracts and permits. (Example: (1) cutting unmarked trees on a timber sale would be a violation; (2) failure to complete a contract on schedule would not be a violation.)

The functional areas from which law enforcement violation data were collected are fire, recreation, timber, wildlife, range, occupancy, and property trespass. Violations reported by Research units on National Forests are included in Regional summaries.

The intent of the sample was to obtain a reasonable estimate of violations occurring on National Forest System lands from available records and knowledge of Ranger District personnel. Since a high degree of accuracy was not involved, no voluminous statistical calculations were performed and no statistical accuracy is attached to the figures.

Number of Violations Occurring

Regional summaries of the type and volume of estimated violations of Federal penal laws and regulations applicable to the National Forests are shown in Appendix A.

Developed Recreation Sites and Areas

The 673,519 violations of Secretary's Regulations in these areas accounted for the highest volume of violations estimated. Sanitation and littering violations accounted for 389,114. Public behavior violations involving abusive or indecent conduct and destroying or defacing property totaled 37,748. (Appendix A-1)

The majority of State law violations involving crimes against persons or their property occurred in recreation areas. Of such crimes 3,690 involved theft or damage of private personal property and 366 were assaults or intimidations of private citizens. In addition, an estimated 390 narcotics violations occurred, mostly in recreation sites and areas of concentrated public use.

Occupancy and Other Use

Violations of occupancy and other use regulations totaled 245,551. Unsanitary camp refuse, littering lands and polluting water accounted for 216,877 violations; followed by construction of structures and business without a permit 8,372; dangerous discharge of firearms 7,097; speeding or noisy motorboats 6,065; etc. (Appendix A-2)

Fire

A total of 177,991 violations of Federal fire laws and regulations were estimated. Willful fire setting accounted for 803 violations, and violations of campfire regulations 29,731. The largest number of estimated violations occurred within fire hazard areas designated by the Regional Forester (mostly in Region 1) 96,894. (Appendix A-3)

Protection of Property

Total of 42,406 violations of property protection regulations were estimated. The highest incidence was tearing down or defacing Forest Service notices 15,211. Damage to roads and trails accounted for 6,443 violations; defacing or destroying objects of natural beauty 3,655; using prohibited vehicles in cross-country travel during periods of closure to such vehicles 1,077. (Appendix A-4)

Timber

Violations of Federal laws and regulations pertaining to timber totaled 37,742. Violations of Federal law pertaining to cutting or injurying trees unlawfully totaled 9,388. Violations of Secretary's Regulations on cutting or damaging trees totaled 24,435. Violations of Secretary's Regulations pertaining to cutting or removing timber under timber sale contract accounted for 3,886. There were 33 instances of fraudulent marking of U.S. timber before cutting or removal. (Appendix A-5)

Unauthorized Livestock and Livestock Use

Violations of Secretary Regulations were estimated on the basis of 36 CFR 261.7 in effect during 1969. These regulations have since been amended. Violations of Federal law totaled 1,082 and violations of Secretary's Regulations totaled 5,464. (Appendix A-6)

Hunting and Fishing

The Secretary's Regulations cover violations of State wildlife and fish laws. In almost all instances such violations are handled through State Courts by State officers. There were 27,088 instances of hunting, fishing or possession of firearms in violation of State law, and 1,947 instances of permitting dogs to run at large in violation of State law. (Appendix A-7)

Federal Property Laws

Stealing public property accounted for 743 violations estimated and damage to communication lines, stations or systems accounted for 218 violations. (Appendix A-7)

Monetary Damages Resulting From Law Violations

A special National Forest study conducted by the Division of Recreation shows that in F.Y. 1969 the cost of vandalism in recreation areas on the National Forests was slightly more than $2 million.

From the data submitted by the sample districts, it is estimated that violations of laws and regulations caused total damages of $6,670,000 in 1969 Service-wide. The estimates made by the reporting districts were based on damage appraisals, related salaries, supplies and equipment use.

Enforcement Actions

In 1969 an estimated 7,704 Forest Service cases were taken before U.S. Commissioners. Of these, 6,762 involved violations of recreation occupancy and use regulations, and 630 involved fire regulations. Criminal cases referred to the U.S. Department of Justice numbered 42. Cases referred to State Courts totaled 5,436--4,308 for hunting and fishing (mostly handled by State officers) and 822 fire cases.

The time spent by personnel in Regional Offices, Forest Offices, and on Ranger Districts on such activities as investigation and preparation of reports; case review and advice, prosecution; general trespass work; and trespass prevention is shown in Appendix C.

Assaults and Intimidation of Forest Officers

Cases of assault or intimidation of Forest officers are most serious. Many serious incidents have been with people we deal with regularly--grazing permittees, miners, loggers, etc. Many minor incidents go unreported.

An estimated 714 cases occurred in 1969 according to the estimate made from sample Districts. Over half of these incidents, 372, involved groups of adults or juveniles. In most cases, the Forest Service officer is ill-equipped by lack of training or experience to handle such situations.

We should provide self-defense training for Forest Officers where it is appropriate. In addition, we must make an effort to find out if we are doing things that provoke such attacks.

RECOMMENDATION NO. 9:

PROVIDE SELF-PROTECTION TRAINING FOR THOSE FOREST OFFICERS WHO NEED IT TO PROTECT THEMSELVES IN PERFORMANCE OF OFFICIAL DUTIES.

Juvenile Involvement in Violations

Juveniles accounted for 4% of the violations overall. However, in Region 1 the percentage of involvement was 15%; in Region 5 it was 10%; and in Region 3 it was 9%. In assaults or intimidations and theft or damage of private personal property, juvenile involvement was 15%. Juvenile involvement most often occurs as groups of two or more young people.

Juveniles are becoming more and more involved in on-the-spot confrontations with Forest Officers. Forest Officers need more training and clear guidelines to handle such violators than is now prescribed in FSM 5354.3, item 2:

> Criminal action against juveniles will not be initiated independently by Forest Officers. Consult the prosecuting attorney before detaining a juvenile or initiating action, and follow his advice and direction. In Federal cases, advice and direction will be obtained from the field representative of the OGC through the Regional Forester.

RECOMMENDATION NO 10:

IN CONJUNCTION WITH THE OFFICE OF THE GENERAL COUNSEL AND THE DEPARTMENT OF JUSTICE, DEVELOP NEW GUIDELINES FOR FOREST OFFICERS TO HANDLE JUVENILE VIOLATORS.

ORGANIZATIONAL RECOMMENDATIONS

The objectives of Forest Service law enforcement can be defined as (1) The prevention of damage by people to natural resources, physical improvements, and the environment; and (2) To provide for the protection and safety of Forest visitors and their property through cooperation with State and local governments.

It is a basic assumption that a circle of cooperation exists between the Forest Service, other Federal agencies, and State and local governments concerned with law enforcement. The basic job of enforcement on the ground still exists regardless of what governmental agency performs the work. The organizational pattern proposed in this report is aimed at strengthening the Forest Service position in this circle of cooperation.

In the same light, there must continue to be a bolstering of the relationships with other public agencies, such as the Park Service and Bureau of Land Management, whose violation problems are similar to the Forest Service and very often are separated physically only by a boundary line. Law enforcement and judicial agencies at all levels of government, are doing new things and taking new approaches to common law enforcement problems. The Forest Service must become a part of this "big picture."

With the strong relationship the law enforcement staff will have with local law enforcement agencies, it is logical that leadership and coordination in search and rescue work should be part of its function. The investigative expertise of the staff should be available for claims and in-Service accident investigations. However, claims investigation should be a service provided to a claims adjudication organization separate from the law enforcement staff; although both may be located in the same Division.

The proposed organizational pattern for law enforcement in the Forest Service is not intended to make law enforcement an entity unto itself. The Ranger District is the doing unit. It is the District Ranger and his staff on whom the Service will depend for the enforcement job. The higher levels of the Forest Service organization will provide the direction, training, coordination, etc., needed by the Ranger District.

Roles of Functional Programs in Law Enforcement

Forest Service law enforcement efforts will require coordination between the law enforcement staff and functional program areas. There must be strong "feedback" to insure that experience is applied to prevention of future law violations in functional programs. There must also be a strong tie between law enforcement and functional programs to insure compatibility with Forest Service goals and objectives. The major roles proposed for functional programs in law enforcement efforts are:

- -Develop and review economic analysis procedures for assessing damage.
- -Provide functional training in preventive patrol, detection, evidence recognition, and violation reporting techniques.
- -Establish standards of "feedback" and apply them to emphasize enforcement and prevention in functional programs.
- -Coordinate functional policies and programs to maintain compatibility of law enforcement and functional programs.
- -Serve as consultant in law enforcement aspects of technical functional activities.
- -Strive to improve the Forest Service image through improved law enforcement.

Organizational Characteristics of the Law Enforcement Staff Function

In considering the type of organizational pattern and location within the existing Forest Service organization, the following characteristics of the law enforcement staff function were considered:

- -The law enforcement function crosses all functional lines.
- -The activity is tied closely to many ongoing programs that generate law enforcement work.
- -It is a support function.
- -The organizational pattern must allow the staff to be responsive to conditions beyond Forest Service control.
- -The organizational pattern must allow the staff to be highly flexible.
- -It is closely tied to outside law enforcement organizations--police, courts, etc., for coordination and cooperation.
- -The organizational pattern needs to provide for the strengthening and enhancement of the image of the law enforcement function.
- -Technical supervision of the law enforcement function is not available within the Forest Service except within the law enforcement staff itself.
- -The organizational pattern must be responsive to career needs.

Washington Office Organizational Recommendations

The law enforcement staff will represent a new area of responsibility at the Washington Office. It should be located in such a way that the law enforcement function is enhanced and maximum flexibility is provided. The staff will handle law enforcement business across-the-board in consultation with functional Divisions.

It is most practical to consider two Deputy Chief areas for the location of the law enforcement staff in the Washington Office. The two areas most logical for comparison are (1) National Forest System and (2) Administration.

RECOMMENDATION NO. 11:

PLACE THE WASHINGTON OFFICE LAW ENFORCEMENT STAFF IN THE ADMINISTRATION DEPUTY AREA.

The location alternatives within the Administration Deputy Area are:

1. Branch or staff unit in Budget and Finance.

2. Branch or Staff unit in Administrative Management.

3. A new Division of Law Enforcement.

RECOMMENDATION NO. 12:

ESTABLISH A DIVISION OF LAW ENFORCEMENT UNDER THE DEPUTY CHIEF FOR ADMINISTRATION.

IN VIEW OF THE PROBLEMS OF ESTABLISHING A NEW AREA OF RESPONSIBILITY AT THE WO AND THE PROBLEMS OF ESTABLISHING A NEW DIVISION, WE RECOMMEND THAT FOR THE STRONGEST IMPETUS TO THE LAW ENFORCEMENT FUNCTION, IT BE INITIATED AS A STAFF UNIT TO THE DEPUTY CHIEF FOR ADMINISTRATION.

The major tasks of this staff would be:

-Provide comprehensive leadership and technical staff direction in planning, organizing, developing and administering law enforcement programs concerned with resource and visitor protection.

-Recommend Service-wide law enforcement policy to Chief and Staff.

-Develop law enforcement training standards and guidelines. Promote and conduct specialized training programs in the technical, complex facets of law enforcement.

-Provide "feedback" to functional programs for trespass prevention in functional programs. Assist functional areas in establishing standards of "feedback" to enhance trespass prevention.

-Maintain compatibility of law enforcement and functional programs.

-Inspect, review and evaluate operating law enforcement policies, procedures, and methods in light of current trends; giving particular attention to systematic development of program standardization and development and application of new techniques.

-Perform inspections of the law enforcement function.

-Maintain a useful law enforcement reporting system.

-Maintain liaison with other agencies concerned with law enforcement and judicial functions.

-Provide technical services for training programs and other activities of State and Private Forestry. Provide information on Forest Service law enforcement experience for application in S&PF cooperative efforts toward strengthening state forestry organizations.

Regional Office Organizational Recommendations

The Regional Office staff will handle law enforcement business across-the-board in consultation with functional Divisions. Emphasis will be on development and training of the professional and technical staffs at Region, Forest and District levels. Investigations to be performed only as needed in complex cases.

The most logical alternatives for locating the law enforcement staff in the Regional Office are:

1. Division of Law Enforcement
2. Branch in Operation
3. Branch in Fiscal
4. Branch in program division

RECOMMENDATION NO. 13:

ESTABLISH A BRANCH OF LAW ENFORCEMENT IN EACH REGIONAL OFFICE IN THE DIVISION OF FISCAL CONTROL.

The major tasks of this staff would be:

-Provide comprehensive leadership and technical staff direction in planning, organizing, developing and administering Regional law enforcement programs concerned with resource and visitor protection.

-Promote and conduct specialized Regional training programs in the technical, complex facets of law enforcement.

-Provide "feedback" to functional Divisions for trespass prevention in Regional programs.

-Maintain compatibility of Regional law enforcement and functional programs.

-Perform Forest inspections of the law enforcement function.

-Maintain a useful law enforcement reporting system for the Region.

-Maintain liaison with U.S. Attorneys, courts, U.S. Magistrates and State and local agencies concerned with law enforcement and judicial functions within the Region.

-Provide law enforcement services to Research field units through adjacent National Forest System units.

-Provide technical services for training programs and other activities of State and Private Forestry within the Region.

-Perform complex investigations for claims, and in-Service accidents, as requested.

-Provide leadership and liaison with State and local officials in search and rescue operations for the Region.

National Forest Organizational Recommendations

Each Forest Supervisor should have readily available to him, professional law enforcement competence. There is a wide range of law enforcement needs among the many National Forests. Any staff organization established to directly serve the needs of the Forests must take this disparity into consideration.

RECOMMENDATION NO. 14:

EACH FOREST SUPERVISOR SHOULD HAVE READILY AVAILABLE TO HIM, PROFESSIONAL LAW ENFORCEMENT COMPETENCE. THIS COMPETENCE SHOULD BE PROVIDED BY EITHER OF THE FOLLOWING TWO WAYS, OR A COMBINATION OF BOTH, DEPENDING ON WORKLOAD:

(1) ESTABLISH A LAW ENFORCEMENT STAFF POSITION (INVESTIGATOR SERIES 1811) TO HANDLE LAW ENFORCEMENT BUSINESS ACROSS-THE-BOARD IN CONSULTATION WITH FUNCTIONAL STAFFMEN.

(2) ESTABLISH ZONES OF TWO OR MORE FORESTS TO BE SERVED BY A LAW ENFORCEMENT STAFF THAT PROVIDES COMPETENCE TO EACH FOREST SUPERVISOR AS NEEDED IN THE ZONE.

The major tasks of this staff would be:

- Provide staff direction in developing and administering Forest law enforcement programs concerned with resource and visitor protection.
- Conduct specialized training for Forest and District personnel in the complex facet of law enforcement.
- Maintain liaison with attorneys, courts, U.S. Magistrates and State and local agencies concerned with law enforcement and judicial functions.
- Perform investigations for violations, claims and in-Service accidents as needed.
- Perform inspections of the law enforcement function on Ranger Districts.
- Provide leadership and liaison with State and local agencies in search and rescue operations.
- Provide law enforcement services to local Research field units.

Ranger District Organizational Recommendations

RECOMMENDATION NO. 15:

LAW ENFORCEMENT ACTIVITIES UNDER FOREST SERVICE JURISDICTION SHOULD CONTINUE TO BE CARRIED OUT BY THE DISTRICT RANGER AND HIS STAFF AS PART OF MANAGING AND PROTECTING THE NATIONAL FORESTS. OVERALL LAW ENFORCEMENT RESPONSIBILITIES SHOULD CONTINUE TO BE CARRIED OUT THROUGH COOPERATION AND ASSISTANCE FROM OTHER FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES.

THOSE DISTRICTS HAVING A LARGE, COMPLEX LAW ENFORCEMENT WORKLOAD: e.g., NUMEROUS BREACHES OF THE PEACE IN RECREATION AREAS, HEAVY VANDALISM, NUMEROUS INCENDIARY FIRES, ETC., MAY BE STAFFED WITH ONE OR MORE LAW ENFORCEMENT SPECIALISTS.

If the need arises, District personnel can be backed up by cadres of Forest personnel trained to handle special situations with or without outside law enforcement assistance as the case may be. The major tasks of the Ranger and his staff in carrying out law enforcement activities would be:

- Perform preventive patrol, initial collection of evidence, and take proper action on violations on the ground.
- Conduct investigations as needed and prepare reports.
- Maintain close working relationships with State and local law enforcement agencies.
- Plan and carry out programs for visitor protection in conjunction with local law enforcement agencies.
- Conduct a vigorous violation prevention program for both resource and visitor protection.
- Coordinate search and rescue operations with local agencies.

TRAINING

Law enforcement throughout the Service has been very low. Statistics from the sample Ranger Districts show a national average of 23.4 hours per year per Ranger District. This is the sum total of all training given and is not per Forest Officer. Most of this training has been trespass investigations, mostly fire, and little or none in recreation or other functions.

Summary of Law Enforcement Training on Ranger Districts
Hours Per Year Average for the Period C.Y. 1967-69

Region	Total	In-Service	Out-Service
1	9.1	9.1	-
2	14.1	13.3	0.8
3	35.9	35.1	0.8
4	26.8	25.8	1.0
5	39.7	36.3	3.4
6	25.3	24.7	0.6
8	29.3	27.3	2.0
9	10.8	9.2	1.6
10	1.1	1.1	-
Service-wide Average	23.4	22.2	1.2

An important factor in law enforcement training is that the people doing the job on the ground receive the proper training. An example of this is the fireman training given GS-5 and 6 personnel in Region 5. This type of employee received 46% of the training given in that Region. Service-wide, training on the Ranger Districts by grade was as follows:

Percent of Total Training Received By Employee Grade Level

Grade	C.Y. 1967-69
GS-4	9%
GS-5&6	15%
GS-7	20%
GS-9	30%
GS-11	21%
GS-12	5%

Law enforcement in the Forest Service today becomes more complex as the need for control of depreciative behavior in our National Forest areas becomes greater. There is need for better public education on the administrative policies and regulatory aspects of National Forest management. There is a need for personnel selection and training to carry out effectively these measures to protect the environment for the benefit of the public.

Dr. John C. Hendee, Recreation Research Project Leader, Forest Service, Pacific Northwest Forest and Range Experiment Station, points out in his paper on "Law and Order in Public Parks," that administrators must recognize that managing the people who use public parks is a challenge of the first magnitude. Camping has become a social experience; we must begin basing policies, rules and training of rangers on this fact as much as we currently do on the necessity for preserving the environment.

Training personnel to effectively enforce the regulations and laws that presently exist with the authorities that are currently available to them is a primary need today.

The lack of training is the primary complaint of Forest Officers whose work is closely related to the public user through enforcement or recreation use control. What these employees want is a basic knowledge of how to handle people, psychologically, physically and legally. They ask for answers to these questions: In the daily contact with the public, what can we do; how can we do it; when should we do it? The expertise they are looking for can come only from training in different degrees for the particular need. Generalized training will not suffice. It is surely needed from the bottom to the top of the organization.

RECOMMENDATION NO. 16:

PROVIDE TRAINING TO ALL APPROPRIATE PERSONNEL TO ASSURE THEIR COMPETENCE IN SITUATIONS ENCOUNTERED IN THE COURSE OF NORMAL FUNCTIONS - BOTH IN HANDLING VIOLATIONS OF FEDERAL LAWS AND REGULATIONS APPLICABLE TO THE NATIONAL FORESTS, AND IN TAKING PROPER ACTION ON OTHER ILLEGAL ACTS COMMITTED ON NATIONAL FORESTS LANDS. A RECOMMENDED OUTLINE OF SUCH TRAINING IS SHOWN BELOW.

The following outline of training is recommended for execution at the appropriate levels of organization in the Forest Service. The development of training programs and conducting the training will require a joint effort between Personnel Management, functional divisions and law enforcement staff.

1. Make full use of present Programmed Text on law enforcement.

2. Develop advanced Programmed Text.

3. Make full use of the Department of Agriculture Extension Course "Legal Aspects of Trespass Investigation."

4. Functional training courses should include the technical aspects of the particular function related to law enforcement. The law enforcement organization and functional division, with the assistance of the training branch, should jointly prepare these portions of functional training courses.

5. Include in the appropriate courses, selective self protection training for Forest Officers, and where appropriate, training in handling people individually or in groups, such as group management and mob psychology.

6. WO Law Enforcement staff, functional divisions, and the Division of Personnel Management develop four training courses. These packages should contain master lesson plans so that the same training would be given Service-wide. Suggested training at each organizational level is shown below:

   (a) For Forest Supervisors and RO Staff. This is critical for obtaining support for carrying out law enforcement programs. Cover responsibility, jurisdiction and court procedures. (1-3 days)

   (b) SO Staff, Rangers, and Ranger Staff. Cover responsibilities, authority, court procedures, basic law enforcement techniques, principal laws and elements of proof of violation. (minimum of 80 hours)

   (c) Technicians, Aids, etc. Having Large Amount of Law Enforcement Work. Meet minimum requirements of peace officer standards for individual State. (approximately 200 hours)

   (d) Progressive Training for Law Enforcement Special Agents. Take advantage of available out-Service training including: FBI National Academy, National Park Police Academy, Consolidated Federal Law Enforcement Center (being established at Beltsville, Maryland, have courses for Park Rangers), Treasury Law Enforcement Training Academy, State and Local Police Training Schools.

MANUAL CHANGES AND REPORTING SYSTEMS

The study team did not attempt to make detailed recommendations on changes to Chapter 5300 of the Forest Service Manual. Many changes depend upon policy decisions and implementation of any or all of the recommendations in this report. Several major changes in the present arrangement of Manual material will be required. Policy, procedures, and the mechanics of law enforcement need to be rearranged in an orderly, logical arrangement in the Manual. Since functional divisions and programs are closely related to law enforcement, a task force composed of the law enforcement staff and functional staff in the Washington Office should be assigned to this revision task.

This task force should also consider the separation of terms used in Forest Service terminology in the area referred to as "trespass." Involved are "claims, law enforcement, violations of laws and regulations, negligence or willful conduct, and failure to comply with the provisions of a contract or permit which results in damage to the land or resources, or in a claim for fire suppression costs, etc." One first step might be to separate wrongs against person or property from the definition of trespass entirely.

Although several report forms, reporting schemes, and record-keeping procedures are in effect in some places, no coordinated reporting system exists for law enforcement activities. To effectively prevent violations, it is necessary to know what violations are being committed, when, where, and how they occur. Factual data must be methodically accumulated and analyzed in order to develop a comprehensive violation control program.

A good reporting system can be used for planning, identifying training needs, identifying crime hazard areas, and serve as a trend indicator to measure effectiveness of prevention and enforcement actions. Meaningful reports would be useful to functional programs for violation prevention efforts within programs and in I&E efforts aimed at prevention.

The study team developed a form for use of sample districts in 1970 to record factual data on the violations, persons involved and time expended by Forest Officers. We feel that this form could be expanded to Service-wide use as part of an effective automated system to serve management needs for law enforcement information. The reporting system should be relatively simple and require only those forms, reports and data that are absolutely necessary. An effective reporting system should be developed as soon as possible.

CURRENT STUDIES RELATED TO LAW ENFORCEMENT

There are numerous studies within the Forest Service, the Department of Agriculture, Department of Interior, and others related to the Forest Service Law Enforcement Organization Study. Special mention is made only to two such studies:

Traffic Regulation and Law Enforcement on the National Forest Development Road System

The law enforcement study team agrees with the objectives stated in the report issued on this subject:

> The Forest Service seeks the applicability of State traffic codes to all forest development roads, and State and local accident investigation, patrol, and prosecution of offenses as applied to comparable public roads.

The problems of traffic regulation are related to the other situations discussed in the report in our relations with State and local law enforcement organizations. The adoption of some State laws by Secretary's Regulation may be necessary in extreme cases.

Forest Service--Office of the Inspector General Investigation Jurisdiction

Jurisdiction questions have remained open for several years. Resolution of the questions is under study by the OIG. The information in this Law Enforcement Study will be valuable in working to a conclusion of the OIG study.

The several areas involved are:

Accidents
Claims for and against Forest Service
Employee misconduct
Timber Trespass
Fire Trespass
Range Trespass
Occupancy Trespass

Forest Service Telecommunications Study

The following telecommunication needs related to law enforcement and public safety should be considered in the systems approach underway by the telecommunications study team:

1. Interfacing communications between the Forest Service and local law enforcement agencies for coordination and increased effectiveness (radio, telephone, radio-telephone, etc.).

2. Internal communications required by Forest Service personnel engaged in enforcement work.

3. Communications concerned with the safety and protection of Forest visitors (search and rescue, public telephone booths in recreation areas).

Depreciative Behavior in Forest Campgrounds, An Exploratory Study

A study team from the Pacific Northwest Forest and Range Experiment Station is studying depreciative behavior in northwestern National Forests, National Parks, and State Parks. Certain results of this study should prove valuable in formulating campground rules and in Forest Service violation prevention programs and law enforcement training.

A Staff Study of the Law Enforcement and Public Safety Resources in the National Park Service

This study was completed by the International Association of Chiefs of Police in October 1970. The findings, conclusions, and recommendations of this study have some valuable spin-off potential for the continued improvement of Forest Service management and protection efforts.

Estimated Violations of Secretary Regulations - C.Y. 1969 APPENDIX A

DEVELOPED RECREATION SITES AND AREAS OF CONCENTRATED PUBLIC USE

	TOTAL	REGIONS								
		1	2	3	4	5	6	8	9	10
Sanitation violations of facilities and grounds, littering.	389,114	25,952	227,522	3,824	57,708	3,517	9,054	18,298	39,077	4,162
Vehicles - Speeding, parking, safety, noise and disruption.	95,198	3,038	9,546	346	6,283	2,405	1,812	2,656	68,074	1,038
Miscellaneous violations of conduct and use.	77,451	8,899	20,736	1,520	14,874	4,009	1,944	3,832	18,274	3,363
Non-payment of designated recreation use fee.	67,379	768	2,715	4,189	23,071	14,991	1,651	13,040	294	6,660
Public behavior - boisterous, abusive, indecent conduct. Preservation of public property and resources - destroying, defacing property or natural features, discharging firearms, etc.	37,748	3,738	9,279	778	11,892	4,833	1,858	1,674	3,447	249
Audio devices disturbing other users.	6,629	199	566	103	320	1,194	45	77	4,116	9
TOTAL	673,519									

Estimated Violations of Secretary Regulations - C.Y. 1969

OCCUPANCY AND OTHER USE

	TOTAL	REGIONS								
		1	2	3	4	5	6	8	9	10
Unsanitary camp refuse, littering lands, polluting water.	216,877	82,186	45,531	3,739	13,433	868	4,933	18,960	46,227	1,000
Constructing structures, fences, etc., business without permit.	8,372	938	381	273	353	2,256	282	2,103	1,780	6
Discharging firearms endangering other users.	7,097	1,229	1,093	322	2,941	176	126	895	215	100
Speeding or noisy motorboats.	6,065	142	-	-	53	-	-	132	5,738	-
Squatting or making settlement.	2,668	153	165	79	146	1,072	878	93	79	3
Violating special restrictions posted by Forest Supervisor.	1,885	159	203	6	266	94	20	1,113	11	13
Vehicles or other objects impeding or hazard to other users.	1,039	290	63	18	193	132	85	194	51	13
Unauthorized stock in designated tourist pasture.	669	11	-	632	6	5	-	15	-	-
Entering area closed by Chief or Regional Forester.	679	44	37	48	-	104	40	311	95	-
Noncompliance with posted wilderness requirements.	200	45	50	66	-	-	5	-	34	-
TOTAL	245,551									

Estimated Violations of Federal Laws and Secretary Regulations - C.Y. 1969

FIRE

	TOTAL	REGIONS 1	2	3	4	5	6	8	9	10
Federal Laws (18 U.S.C. 1855) Willful fire setting on U.S. land.	803	17	-	6	13	49	106	397	209	6
(18 U.S.C. 1856) Fire in or near U.S. lands left unattended, abandoned or allowed to spread beyond control.	6,053	432	2,588	97	1,107	807	202	623	187	10
(18 U.S.C.1863) Unlawful entry on any N.F. land closed to the public by Secretary Regulation.	3,430	3,414	-	-	-	-	-	-	-	16
Secretary's Regulations Campfire Regulations.	29,731	3,487	8,031	1,648	1,926	12,027	972	754	684	202
Smoking--Throwing burning cigarette or similar substance in any place where it may start a fire.	27,230	4,119	2,995	170	2,788	11,098	126	186	5,715	33
Regional Forester designated fire hazard areas.	96,894	82,515	-	1,069	7,390	5,384	503	-	-	33
Timber Sales--Engines without approved spark arrestors.	4,517	2,150	368	127	126	1,294	323	101	28	-
Setting Unauthorized fires.	3,754	290	76	139	106	226	282	2,344	272	19
Possessing or firing tracer materials.	215	56	31	6	93	22	-	7	-	-
Use of vehicle without efficient exhaust and muffler.	5,364	3,470	400	1,100	173	82	116	23	-	-
TOTAL	177,991									

Estimated Violations of Secretary Regulations - C.Y. 1969

PROTECTION OF PROPERTY

	TOTAL	REGIONS								
		1	2	3	4	5	6	8	9	10
Damaging and leaving in damaged conditions roads or trails.	6,443	1,058	2,766	370	680	348	277	373	532	39
Destroying, molesting, disturbing or injurying property or going on N. F. land with intent to do so.	12,169	2,058	590	741	466	447	590	5,093	2,128	56
Tearing down or defacing Forest Service notices.	15,211	1,746	2,257	723	1,560	3,837	863	2,601	1,525	99
Entering or using F.S. building without permission.	830	130	95	36	93	55	50	148	90	133
Leaving F.S. building in unsanitary condition.	1,705	22	-	42	60	-	5	420	657	499
Defacing or destroying objects of natural beauty or scenic value.	3,665	1,541	375	164	733	121	207	148	277	99
Using prohibited vehicles during road or trail closure.	1,306	39	165	42	460	138	50	272	107	33
Using prohibited vehicles in cross-country travel during periods of closure to such vehicles.	1,077	113	585	30	-	176	-	77	96	-
TOTAL	42,406									

Estimated Violations of Federal Laws and Secretary Regulations - C.Y. 1969

TIMBER

	TOTAL	REGIONS							
		1	2	3	4	5	6	8	9	10
Federal Law (18 U.S.C. 1852) Cutting, wantonly destroying timber from lands of the U.S.	3,723	1,354	286	918	600	38	60	218	243	6
(18 U.S.C.1853) Unlawfully cutting or wantonly injuring or destroying any tree upon the lands of the U.S.	5,665	773	2,709	121	1,400	-	292	23	328	19
Secretary's Regulations Cutting or otherwise damaging or removing any timber except as authorized by law or regulation.	24,435	3,083	8,204	1,951	1,407	5,906	2,504	1,004	260	116
Damaging or cutting under any contract of sale or permit any living tree before it is designated for cutting by a Forest Officer.	2,302	216	1,469	24	46	116	111	218	96	6
Removing any timber cut under contract of sale or permit before scaling.	1,584	625	57	626	46	33	186	-	5	6
Fraudulent marking or identifying U.S. timber for cutting or removal.	33	28	-	-	-	-	-	-	5	-
TOTAL	37,742									

Estimated Violations of Federal Laws and Secretary Regulations - C.Y. 1969

UNAUTHORIZED LIVESTOCK AND LIVESTOCK USE

	TOTAL	REGIONS								
		1	2	3	4	5	6	8	9	10
Federal Law (18 U.S.C.1857) Opening or destroying gate or fence enclosing U.S. lands; driving livestock upon such lands enclosed; knowingly permit livestock to enter any such enclosure.	1,082	426	248	97	106	-	40	109	56	-
Secretary's Regulations* Grazing use of lands not under permit or agreement.	2,065	460	585	121	353	77	75	303	85	6
Grazing of livestock within an area closed to the grazing of that kind of livestock.	395	113	64	12	140	11	50	-	5	-
Allowing livestock not exempt from grazing or agreement to drift onto and graze such lands without permit or agreement.	2,748	1,359	387	304	313	82	126	155	22	-
Refusal to remove unpermitted non-exempt livestock upon instructions from an authorized Forest Officer.	256	51	31	66	46	5	5	38	11	3
TOTAL	6,546									

*(Violations reported according to CFR 261.7 in effect during 1969.)

Estimated Violations of Secretary Regulations - C.Y. 1969

HUNTING AND FISHING

	TOTAL	REGIONS								
		1	2	3	4	5	6	8	9	10
Hunting, fishing, possession of firearms, etc., in violation of State law.	27,088	6,081	10,817	407	543	630	1,969	3,660	2,975	6
Permitting dogs to run at large in violation of State law.	1,947	284	114	12	246	442	55	630	158	6
TOTAL	29,035									

FEDERAL PROPERTY LAWS

(18 U.S.C. 641) Stealing public money, property, or records.	743	165	279	12	13	77	60	109	22	6
(18 U.S.C. 1362) Damage to communications lines, stations or systems.	218	11	108	-	6	11	10	38	34	-
TOTAL	961									

Appendix B

VIOLATION DATA SAMPLING DESIGN

Field Units Sampled

The choice of sample field units was made by random selection. The only constraint on Ranger District selection was that there would be one District per Forest, totaling 130 sample Districts. For Forest Supervisor offices, it was determined to sample one out of four Forests. Each Regional Office was sampled. For Experimental Forest and Range units, 15 were randomly selected.

This selection of samples resulted in a 17% sample of Ranger Districts and a 25% sample of Forest Supervisor Offices. Distribution by Regions is shown below:

Region	Regional Office	Supervisor Office	District	Percent of Districts In Region	Exp. Forests
1	1	4	16	18%	1
2	1	4	15	17%	1
3	1	3	13	16%	1
4	1	5	18	15%	1
5	1	3	17	18%	2
6	1	5	19	20%	2
8	1	3	14	13%	4
9	1	4	15	18%	3
10	1	1	3	30%	-
Total Samples	9	32	130	17%	15

Correlation to the volume of business in functional areas was made only for recreation visitor-day use. The result of the random selection of sample Ranger Districts resulted in comparable distributions within the use categories between all Ranger Districts and the sample Districts.

Visitor-Day Use (Thousands)	Percent of all F.S. Districts in Use Category	Percent of Sample Districts in Use Category	Sample Percent of all F.S. Districts in Category
0-200	68%	68%	17%
201-400	19%	15%	13%
401-600	6%	10%	26%
601 and Over	7%	7%	17%

The sample Districts were asked to report on all violations that occurred in C.Y. 1969. Since Districts are not required to keep records for much of the information called for, some of the information had to be supplied from memories of Rangers and other District personnel.

A violation was defined as an incident involving infraction of law or regulation, including any in connection with contracts and permits. (Example: (1) cutting unmarked trees on a timber sale would be a violation; (2) failure to complete a contract on schedule would not be a violation.)

The functional areas from which law enforcement violation data were collected are fire, recreation, timber, wildlife, range, occupancy, and property trespass.

To gain a clearer picture of the pattern of violations occurring on a high recreation-use Districts, information was requested of 20 Districts that were not part of the 130 sample Districts. This additional data was correlated with the data submitted by the sample Districts. Generally, the data submitted by the sample Districts was comparable to the supplemental data. However, because of misinterpretation of information supplied, certain violation data from some Districts which reported are not included in the summaries.

The intent of the sample was to obtain a reasonable estimate of law violations occurring on National Forest System lands. Since a high degree of accuracy was not involved, no voluminous statistical calculations were performed and no statistical accuracy is attached to the figures.

APPENDIX C

HOURS SPENT ON LAW ENFORCEMENT BY SAMPLE UNITS - C.Y. 1969
(Hours for Forests and Districts are sample average)

Region	Investigation And Prep. Trespass Reports	Case Review & Advice	Prosecution	General Trespass	Total Per Unit	Prevention
1/						
R.O.	2,170	3,074	101	768	6,113	1,110
Forests	62	208	3	23	296	130
Districts	222	N/A	1	55	278	540
2/						
R.O.	1,924	3,147	386	1,844	7,301	2,261
Forests	116	227	2	56	401	281
Districts	245	N/A	16	45	306	441
3/						
R.O.	1,881	4,158	687	4,873	11,599	528
Forests	151	151	35	117	454	206
Districts	161	N/A	11	38	210	672
4/						
R.O.	820	2,034	800	2,600	6,254	-
Forests	166	186	11	67	430	80
Districts	283	N/A	9	66	358	1,213
5/						
R.O.	5,938	3,277	820	559	10,594	964
Forests	400	547	21	168	1,136	391
Districts	471	N/A	27	129	627	3,884
6/						
R.O.	2,028	5,085	274	1,280	8,667	1,328
Forests	235	456	20	265	976	298
Districts	585	N/A	31	88	704	1,557
8/						
R.O.	846	2,671	450	1,550	5,517	1,123
Forests	709	503	80	195	1,487	500
Districts	421	N/A	23	81	525	1,256
9/						
R.O.	1,600	2,272	-	2,174	6,046	1,981
Forests	118	226	-	129	473	60
Districts	352	N/A	9	38	399	465
10/						
R.O.	-	55	8	174	237	4
Forests	-	2	-	2	4	-
Districts	32	N/A	-	-	32	129

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